

Remarks

Reconsideration of this Application respectfully is requested.

Status of the Application and Claims

Claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 are pending in the application, with claims 3, 4, 15, 16, 23, 26, 27, and 42 being the independent claims. Claims 3, 4, 15, 16, 23, 26, 27, and 42 are amended herein. No new matter has been added.

The present Supplemental Amendment is submitted further to Appellants' Request to Reopen Prosecution, filed February 22, 2011. The Remarks set forth in the Request to Reopen Prosecution are incorporated herein by reference in their entirety. The present Supplemental Amendment incorporates the substance of a further telephone interview with Supervisory Examiner Boswell conducted on April 7, 2011.

Statement of Substance of Examiner Interview

Appellants' attorney gratefully acknowledges the courtesies extended to him by Supervisory Examiner Boswell in a telephone interview on April 7, 2011. In the telephone interview, Supervisory Examiner Boswell telephoned Appellants' attorney and proposed an Examiner's Amendment to place the application in condition for allowance. Specifically, Supervisory Examiner Boswell proposed amending the independent claims to include features previously recited, e.g., in dependent claim 6 (as presented on Appeal). Supervisory Examiner Boswell stated that, upon further consideration in view of the Board's analysis in the Decision on Appeal, she believes the claims would be allowable if so amended. Supervisory Examiner Boswell also directed Appellants' attorney's attention to additional information the Examiner was aware of regarding exemplary published analysis based on

wage categories (Supervisory Examiner Boswell faxed to Appellants' attorney copies of Holzer *et al.*, *Job Queues and Wages*, Oxford University Press - The Quarterly Journal of Economics, Vol. 106, No. 3 (pp. 739-768) (August 1991), and a copy of undated portions of a document captioned "State Findings – Idaho," including disclosure of Idaho "Job gap ratios" for the year 1996). Appellants' attorney proposed and discussed alternative amendments regarding "matching resources to various employment market categories according to a multi-tiered matching strategy," as disclosed in the original application (see, e.g., paragraph no. [0055] of U.S. Patent Application Publication No. 2002/0016730). Supervisory Examiner Boswell agreed that amendments to the independent claims reciting a multi-tier matching strategy, as disclosed in the present application, appear to distinguish over the references of record and place the claims and application in condition for allowance.

The substance of the interview is incorporated in the present amendments and Remarks.

Amendments to the Claims

Without conceding the propriety of the objections and rejections set forth in the Decision on Appeal and/or raised in the telephone interviews on February 16 and 17, and April 7, 2011, claims 3, 4, 15, 16, 23, 26, 27, and 42 are amended herein more clearly to recite various features of the claims, with particular attention to the Board's comments in the Decision on Appeal and the Examiner's comments in the telephone interviews.

In particular, independent claims 3, 4, 15, 16, 23, 26, 27, and 42 have been amended herein to emphasize features relating to a multi-tiered matching strategy, as discussed in the telephone interview of April 7, 2011.

Support for the amendments may be found throughout the original application, including the original claims and FIGs. 1-7 and 8A-8C. See also, e.g., paragraph nos. [0028], [0055], and [0074]-[0075]. No new matter has been added.

Reconsideration and withdrawal of the objections and rejections, including the rejection under 35 U.S.C. § 101 (including the Board's new ground of rejection under the "abstract idea" test), respectfully are requested in view of the above amendments and remarks.

Conclusion

Appellants believe the Request to Reopen Prosecution filed February 22, 2011, is fully responsive to each of the points raised by the Board in the Decision on Appeal dated December 22, 2010, that the present Supplemental Amendment is fully responsive to each of the further points raised by the Examiner's comments in the telephone interview of April 7, 2011, and submit that the application is in condition for allowance. Favorable consideration of the claims and passage to issue of the application at the Examiner's earliest convenience earnestly are solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,



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